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September 25, 2007

BY HAND DELIVERY

Honorable Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street, Room 1040
New York, New York 10007

MEMO ENDORSED

Re: Gary Moton v. Frank Feliciano et al., 07 CV 7581 (DLC) (DCF)

Your Honor:

As the Assistant Corporation Counsel assigned to the defense of the above-referenced civil rights action, I write to respectfully request that defendant City of New York's time to answer or otherwise respond to the complaint in this action be enlarged sixty (60) days from September 25, 2007 to and including November 26, 2007.¹ I have conferred with plaintiff's counsel, Alan D. Levine, Esq., and he consents to this initial sixty (60) day enlargement of time.²

The complaint alleges, *inter alia*, that on May 31, 2006, Police Officers Frank Feliciano, Angel Daliz, John Carroll and other unidentified New York City police officers

¹ This case has been assigned to Assistant Corporation Counsel Katherine E. Smith, who is presently awaiting admission to the bar and is handling this matter under supervision. Ms. Smith may be reached directly at (212) 513-0462.

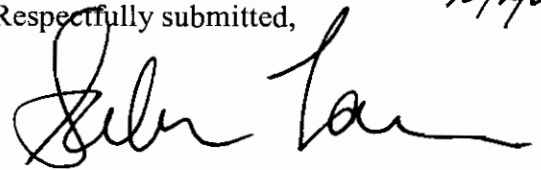
² A check of the docket sheet indicates that affidavits of service of the summons and complaint have not been filed with respect to the individuals identified in the caption of the complaint as "Frank Feliciano," "Angel Daliz," and "John Carroll," nor have these individuals requested representation from this office. Without making any representations on behalf of the aforementioned individuals, it is respectfully requested that, in the event they were served, their time to respond to the complaint similarly be enlarged so that their defenses are not jeopardized while representational issues are being decided.

employed excessive force, falsely arrested and subsequently maliciously prosecuted plaintiff in violation of his state and federal civil rights. As a threshold matter, an enlargement of time will allow this office to forward to plaintiff for execution authorizations for the release of the underlying arrest, criminal prosecution and medical records. Defendant cannot obtain these records without the authorizations, and without the records, defendant cannot properly assess this case or respond to the complaint. Accordingly, defendant requires this enlargement so that this office may obtain the underlying documentation, properly investigate the allegations of the complaint and fulfill its obligations under Rule 11 of the Federal Rules of Civil Procedure.

No previous request for an enlargement of time has been made. Accordingly, defendant respectfully requests that its time to answer or otherwise respond to the complaint be enlarged to sixty (60) days from September 25, 2007 to and including November 26, 2007.

I thank Your Honor for considering this request.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sabrina Tann".

Sabrina Tann (ST 2552)
Assistant Corporation Counsel
Special Federal Litigation Division

*Granted.
Denise L. H.
10/2/07*

cc: Alan D. Levine, Esq.
Attorney for Plaintiff
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(By Facsimile)